

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

HERVEY WILLIAMS,

Plaintiff,

Civil Action No. 1:98-cv-430

vs.

MICROAGE COMPUTER CENTERS,
INC.,

Defendant.

**REPORT AND
RECOMMENDATION**
(Dlott, J.; Hogan, M.J.)

This matter is before the Court on pro se plaintiff's motion to reopen this case. (Doc. 42). The Court scheduled two telephone status conferences in this matter on November 15, 2005 and November 29, 2005. However, pro se plaintiff failed to contact the Court as directed for such conferences. In addition, the Order scheduling the November 15, 2005 status conference which was sent by certified mail to pro se plaintiff at the address he provided was returned as "unclaimed" and "unable to forward." (Doc. 45). On December 1, 2005, the Court ordered pro se plaintiff to show cause in writing within fifteen (15) days why the Court should not dismiss this case for lack of prosecution. (Doc. 46). That Order was also returned as "unclaimed" and "unable to forward." (See docket notation of January 3, 2006). On December 23, 2005, the Court issued an amended show cause order to pro se plaintiff. (Doc. 49). To date, pro se plaintiff has failed to respond to any of the Court's Orders.

Failure of a party to respond to an Order of the Court warrants invocation of the Court's inherent power to *sua sponte* dismiss civil actions. *See* Fed. R. Civ. P. 41(b). District courts have this power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). By failing to

respond to the Court's Orders, plaintiff demonstrates a lack of prosecution of his action and a failure to obey a Court order.

IT IS THEREFORE RECOMMENDED THAT plaintiff's motion to reopen be **DENIED** and his complaint be **DISMISSED** with prejudice for lack of prosecution.

Date: 1/12/2006

s/Timothy S. Hogan

Timothy S. Hogan

United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS
R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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